

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-13 are presently pending in this case. Claims 1, 2, and 5-8 are amended by the present amendment. As amended Claims 1, 2, and 5-8 are supported by the original disclosure,¹ no new matter is added.

In the outstanding Official Action, Claims 1-3, 5-9, 11, and 12 were rejected under 35 U.S.C. §103(a) as unpatentable over Myojo (U.S. Patent Application Publication No. 20030122940) in view of Hisatomi et al. (U.S. Patent Application Publication No. 20020154898, hereinafter “Hisatomi”), Hyodo et al. (U.S. Patent Application Publication No. 20030098915, hereinafter “Hyodo”), and Parulski et al. (U.S. Patent No. 5,440,401, hereinafter “Parulski”); Claims 4 and 10 were rejected under 35 U.S.C. §103(a) as unpatentable over Myojo in view of Hisatomi, Hyodo, and Parulski and further in view of Tamura et al. (U.S. Patent Application Publication No. 20020048455, hereinafter “Tamura”); and Claim 13 was rejected under 35 U.S.C. §103(a) as unpatentable over Myojo in view of Hisatomi, Hyodo, and Parulski and further in view of Cohen et al. (U.S. Patent Application Publication No. 20050240627, hereinafter “Cohen”).

With regard to the rejection of Claims 1 and 5-7 as unpatentable over Myojo in view of Hisatomi, Hyodo, and Parulski, that rejection is respectfully traversed.

Amended Claim 1 recites in part:

a creation means for creating one composite image data from an arrangement of a plurality of associated captured small images;

image file creation means for creating ***one*** image file ***including composite image data created by the creation means and management data indicating that the composite image data comprises a plurality of images, data describing a vertical size and a horizontal size of each of the plurality of***

¹See, e.g., Figure 4 and related description.

associated captured small images in the composite image, and manufacturer specific information;

a display control means for controlling display of the composite image data; and

an extraction means for extracting a specified small image from the composite image data whose display is controlled by the display control means based on the vertical size and the horizontal size of the associated captured small images.

Myojo describes an index image creating device that creates an index image data file 502 including a number of image files and a *separate* related information text file 503.² The outstanding Office Action asserted that the creation of index image data file 502 of Myojo as modified by the creation of the user menu file format shown in Figures 21 and 22 of Hisatomi describes “image file creation means” as recited in Claim 1.³ However, it is respectfully submitted that index image data file 502 does not contain management data, and related information text file 503 does not contain image data. Thus neither of these files can be “one image file” as recited in amended Claim 1. As a result, if one of the two files 502 or 503 from Myojo is separated from the other file, the image data cannot be used or managed. In the claimed invention, the composite image data and the management data needed to manage the composite image data is all included in a *single* file. Accordingly, the single file created by the claimed invention can always be utilized even if it is copied to other devices. Moreover, it is respectfully submitted that Hisatomi, Hyodo, and Parulski do not teach or suggest this feature either.

In addition, Myojo describes at paragraph 86 that related information text file 503 is intentionally kept separate from index file 502 to avoid transferring unnecessary text files. Therefore, modifying Myojo to include the claimed feature would make Myojo unsuitable for its intended purpose, which is separating text files from image files to avoid transferring

²See Myojo, paragraph 65 and Figure 7.

³See the outstanding Office Action at page 3, lines 16-22.

unnecessary text files. Accordingly, there can be no suggestion or motivation to make such a modification. See MPEP §2143.01(V).

Thus, it is respectfully submitted that the proposed combination does not teach or suggest “image file creation means” as defined in amended Claim 1, and there is no suggestion or motivation to modify Myojo to include such a feature. Consequently, Claim 1 (and Claims 2-4 dependent therefrom) is patentable over Myojo in view of Hisatomi, Hyodo, and Parulski.

Claims 5 and 6 recite in part:

creating one composite image data from an arrangement of a plurality of associated captured small images;
creating ***one*** image file ***including composite image data created by the creation means and management data indicating that the composite image data comprises a plurality of images, data describing a vertical size and a horizontal size of each of the plurality of associated captured small images in the composite image, and manufacturer specific information;***
controlling display of the composite image data; and
extracting a specified small image from the composite image data whose display is controlled by the controlling based on the vertical size and the horizontal size of the associated captured small images.

As noted above, the proposed combination does not teach or suggest creating a single image file including composite image data and management data indicating that the composite image data comprises a plurality of images, data describing a vertical size and a horizontal size of each of the plurality of associated captured small images in the composite image, ***and*** manufacturer specific information. Thus, it is respectfully submitted that the proposed combination cannot teach or suggest “creating one image file” as defined in amended Claims 5 and 6. Further, as noted above, modifying Myojo to include such a feature would make Myojo unsuitable for its intended purpose. Consequently, Claims 5 and 6 are also patentable over Myojo in view of Hisatomi, Hyodo, and Parulski.

Amended Claim 7 recites in part:

an image creation unit configured to create one composite image data from an arrangement of a plurality of associated captured small images;

an image file creation unit configured to create *one* image file ***including composite image data created by the creation means and management data indicating that the composite image data comprises a plurality of images, data describing a vertical size and a horizontal size of each of the plurality of associated captured small images in the composite image, and manufacturer specific information;***

a display control unit configured to control display of the composite image data; and

an extraction unit configured to extract a specified small image from the composite image data whose display is controlled by the display control unit based on the vertical size and the horizontal size of the associated captured small images.

As noted above, the proposed combination does not teach or suggest any device that creates *one* image file including composite image data created by the creation means ***and*** management data indicating that the composite image data comprises a plurality of images, data describing a vertical size and a horizontal size of each of the plurality of associated captured small images in the composite image, ***and*** manufacturer specific information. Thus, it is respectfully submitted that the proposed combination cannot teach or suggest “an image file creation unit” as defined in amended Claim 7. Further, as noted above, modifying Myojo to include such a feature would make Myojo unsuitable for its intended purpose. Consequently, Claim 7 (and Claims 8-13 dependent therefrom) is patentable over Myojo in view of Hisatomi, Hyodo, and Parulski.

With regard to the rejection of Claims 4 and 10 as unpatentable over Myojo in view of Hisatomi, Hyodo, and Parulski and further in view of Tamura, it is noted that Claims 4 and 10 are dependent from Claim 1 and 7, respectively, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Tamura does not cure any of the above-noted deficiencies of Myojo, Hisatomi, Hyodo, and Parulski.

Accordingly, it is respectfully submitted that Claims 4 and 10 are patentable over Myojo in view of Hisatomi, Hyodo, and Parulski and further in view of Tamura.

With regard to the rejection of Claim 13 as unpatentable over Myojo in view of Hisatomi, Hyodo, and Parulski and further in view of Cohen, it is noted that Claim 13 is dependent from Claim 7, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Cohen does not cure any of the above-noted deficiencies of Myojo, Hisatomi, Hyodo, and Parulski. Accordingly, it is respectfully submitted that Claim 13 is patentable over Myojo in view of Hisatomi, Hyodo, and Parulski and further in view of Cohen.

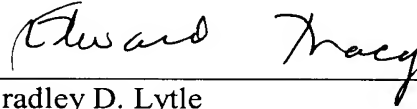
Application No. 10/743,082
Reply to Office Action of May 4, 2009

Accordingly, the pending claims are believed to be in condition for formal allowance.

An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in cursive script, appearing to read "Bradley D. Lytle", is written over a horizontal line.

Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Edward W. Tracy, Jr.
Registration No. 47,998